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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/612,401
Filing Date: July 01, 2003
Appellant(s): WANG ET AL.

Callie M. Bell
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02 June 2008 appealing from the Office action mailed 27 December 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0141740 A1	Matsui	10/03/2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 1, 3, 5-6, 9-11, 17-18, 20, 24-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsui (PG Pub US 2002/0141740 A1). This rejection is set forth in prior Office Action mailed on 05 October 2007 and repeated here.

Regarding claims **1 and 24**, Matsui discloses a computer-readable medium ("the data transmission apparatus (server) can be constituted in an independent computer system by recording a program for performing the data transmission process" [0327] lines 5-9) and a method for streaming media from a streaming server (server, fig. 7) to a streaming client (client terminal, fig. 7) via a transmission channel (network, fig. 7), wherein the method comprises:

receiving a first request for media from a streaming client at a streaming server ("when the user performs an operation for specifying the video data to be obtained on a video data selection screen, an operation signal Sop1 according to this operation is

inputted to the HTTP transmission/reception unit 211, whereby a signal Sd1 for requesting SMIL data relating to the specified video data (SMIL request message Mdr) is transmitted from the HTTP transmission/reception unit 211 to the server 100a" [0168] lines 3-10);

sending a response to the received first request from the streaming server to the streaming client, the response including a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client ("the HTTP transmission/reception unit 101 reads an SMIL file Da corresponding to the SMIL data request signal Sd1 from the data storage unit 120, and transmits is as SMIL data Dsm by HTTP. The SMIL data Dsm is transmitted through the network 11 to the receiving terminal 200b to be received by the HTTP transmission/reception unit 211" [0169] lines 3-9 and "video data to be initially received is selected from among plural video data files shown in an SMIL file on the basis of the anti-error intensity" [0158] lines 2-4 and fig. 5(a));

receiving a second request from the streaming client at the streaming server, the second request including an error resilience level selected from the plurality of error resilience levels ("a video data file most suitable to the contents of the user setting is selected from among the four video data files, and a designation signal Sc designating the selected video data file is outputted to the RTSP message transmission/reception unit 2142. In the RTSP message transmission/reception unit 214, the designation signal Sc is transmitted to the server 100a as an RTSP message signal Mrtsp" [0170] lines 3-9); and

sending the media from the streaming server to the streaming client based on the error resilience level ("the transmission unit 103 selects a predetermined video file is selected from among the plural video files stored in the data storage unit 120, on the basis of the designation signal Sc, and transmits it as RTP data Drtp" [0171] lines 5-8).

Regarding claim **3,** Matsui discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses said plurality of error resilience levels are defined in accordance with a targeted highest data loss rate or a packet loss rate ("the rate of packet loss is calculated as the incidence of error on the basis of sequence number information included in the headers of the RTP packets (RTP data)" [0162] lines 1-4).

Regarding claim **5**, Matsui discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses receiving from the streaming client at the streaming server, a request for a different error resilience level ("the data analysis unit 212b outputs the data designation signal Sc which instructs the server 100a to switch the video stream supplied from the server 100a to a video stream having a higher anti-transmission-error property or a higher video quality, according to a variation in the packet loss rate" [0230] lines 9-14); and

adapting, by the streaming server, the error resilience level of the media sent in accordance with the request ("when the incidence of transmission error is high, the receiving terminal 200b can receive a video stream having a short I-frame interval and a high anti-error intensity from among the video streams stored at the server end" [0230] lines 14-18).

Regarding claim **6**, Matsui discloses everything claimed as applied above (see claim 5). In addition, Matsui discloses said request is one of the following: a request for a specific error resilience level, an error resilience level increase request, or an error resilience level decrease request ("the data analysis unit 212b outputs the data designation signal Sc which instructs the server 100a to switch the video stream supplied from the server 100a to a video stream having a higher anti-transmission-error property or a higher video quality, according to a variation in the packet loss rate" [0230] lines 9-14).

Regarding claim **9**, Matsui discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses the media at the streaming server is associated with an error resilience value indicating a media content error resilience level ("four video data files having different anti-error intensities is employed" [0231] lines 2-3 and further fig. 5(a)).

Regarding claim **10**, Matsui discloses everything claimed as applied above (see claim 9). In addition, Matsui discloses said error resilience value is stored in a file format in which said media is stored ("SMIL file FSD2 shown in Fig. 5(a) which shows four video data files having different anti-error intensities" [0231] lines 1-3).

Regarding claim **11**, Matsui discloses everything claimed as applied above (see claim 5). In addition, Matsui discloses error resilience adaptation is performed by switching the streaming server from sending a first generated stream having the error resilience level to sending a second generated stream having the different error resilience level, the different error resilience level differing form the error resilience level

("when the anti-error intensity is set at [low level] in the receiving terminal, the video stream corresponding to the video element 721 is selected as a video to be received. If the incidence of transmission error increases after reception of the video stream (s1.mp4), the video stream being received is switched to the video stream (s2.mp4) or the video stream (s3.mp4) which are given the system-protocol attribute value "fret" or "ret+fec", respectively" [0235] lines 1-12).

Regarding claim **17**, Matsui discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses said media comprises at least one of the following: a video content, an audio content, a still image, graphics, text and speech ("the client terminal 200b determines a video stream having an optimum anti-error intensity on the basis of an anti-error intensity of video data to be received" [0157] lines 5-8).

Regarding claim **18**, Matsui discloses a client device (client terminal, fig. 7) comprising:

receiving means for receiving streaming media sent from a streaming server to the client device via a transmission channel ("the transmission unit 103 selects a predetermined video file is selected from among the plural video files stored in the data storage unit 120, on the basis of the designation signal Sc, and transmits it as RTP data Drtp" [0171] lines 5-8) and for receiving a plurality of error resilience levels supportable by the streaming server in streaming the media to the client device ("the HTTP transmission/reception unit 101 reads an SMIL file Da corresponding to the SMIL data request signal Sd1 from the data storage unit 120, and transmits is as SMIL data Dsm

by HTTP. The SMIL data Dsm is transmitted through the network 11 to the receiving terminal 200b to be received by the HTTP transmission/reception unit 211" [0169] lines 3-9 and "video data to be initially received is selected from among plural video data files shown in an SMIL file on the basis of the anti-error intensity" [0158] lines 2-4 and fig. 5(a));

detection means for detecting transmission channel errors ("an incidence-of-error calculation unit 216b1 performs process P1 in which the incidence of error is calculated" [0220] lines 1-3); and

sending means for sending an error resilience selection from the received plurality of error resilience levels to the streaming server ("a video data file most suitable to the contents of the user setting is selected from among the four video data files, and a designation signal Sc designating the selected video data file is outputted to the RTSP message transmission/reception unit 2142. In the RTSP message transmission/reception unit 214, the designation signal Sc is transmitted to the server 100a as an RTSP message signal Mrtsp" [0170] lines 3-9).

Regarding claim **20**, Matsui discloses a streaming server (server, fig. 7) comprising:

receiving means for receiving a first request for media from a streaming client ("when the user performs an operation for specifying the video data to be obtained on a video data selection screen, an operation signal Sop1 according to this operation is inputted to the HTTP transmission/reception unit 211, whereby a signal Sd1 for requesting SMIL data relating to the specified video data (SMIL request message Mdr)

is transmitted from the HTTP transmission/reception unit 211 to the server 100a" [0168] lines 3-10) and for receiving a second request from the streaming client, the second request including an error resilience level selected form a plurality of error resilience levels ("a video data file most suitable to the contents of the user setting is selected from among the four video data files, and a designation signal Sc designating the selected video data file is outputted to the RTSP message transmission/reception unit 2142. In the RTSP message transmission/reception unit 214, the designation signal Sc is transmitted to the server 100a as an RTSP message signal Mrtsp" [0170] lines 3-9); and

sending means for sending a response to the first request to the streaming client, the response including the plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client ("the HTTP transmission/reception unit 101 reads an SMIL file Da corresponding to the SMIL data request signal Sd1 from the data storage unit 120, and transmits is as SMIL data Dsm by HTTP. The SMIL data Dsm is transmitted through the network 11 to the receiving terminal 200b to be received by the HTTP transmission/reception unit 211" [0169] lines 3-9 and "video data to be initially received is selected from among plural video data files shown in an SMIL file on the basis of the anti-error intensity" [0158] lines 2-4 and fig. 5(a)) and for sending streaming media to the streaming client via a transmission channel based on the error resilience level ("the transmission unit 103 selects a predetermined video file is selected from among the plural video files stored in the data

storage unit 120, on the basis of the designation signal Sc, and transmits it as RTP data Drtp" [0171] lines 5-8).

Regarding claims **25 and 26**, Matsui discloses a computer-readable medium ("the data reproduction apparatus (receiving terminal) can be constituted in an independent computer system by recording a program for performing the data reproduction process" [0327] lines 5-9) and a method for receiving streamed media from a streaming server via a transmission channel, the method comprising:

sending a first request for media from a streaming client to a streaming server ("when the user performs an operation for specifying the video data to be obtained on a video data selection screen, an operation signal Sop1 according to this operation is inputted to the HTTP transmission/reception unit 211, whereby a signal Sd1 for requesting SMIL data relating to the specified video data (SMIL request message Mdr) is transmitted from the HTTP transmission/reception unit 211 to the server 100a" [0168] lines 3-10);

receiving a response from the streaming server at the streaming client, the response including a plurality of error resilience levels supportable by the streaming server when sending the media ("the HTTP transmission/reception unit 101 reads an SMIL file Da corresponding to the SMIL data request signal Sd1 from the data storage unit 120, and transmits is as SMIL data Dsm by HTTP. The SMIL data Dsm is transmitted through the network 11 to the receiving terminal 200b to be received by the HTTP transmission/reception unit 211" [0169] lines 3-9 and "video data to be initially

received is selected from among plural video data files shown in an SMIL file on the basis of the anti-error intensity" [0158] lines 2-4 and fig. 5(a));

sending a second request from the streaming client to the streaming server, the second request including an error resilience level selected form the plurality of error resilience levels ("a video data file most suitable to the contents of the user setting is selected from among the four video data files, and a designation signal Sc designating the selected video data file is outputted to the RTSP message transmission/reception unit 2142. In the RTSP message transmission/reception unit 214, the designation signal Sc is transmitted to the server 100a as an RTSP message signal Mrtsp" [0170] lines 3-9); and

receiving the media from the streaming server at the streaming client based on the error resilience level ("the transmission unit 103 selects a predetermined video file is selected from among the plural video files stored in the data storage unit 120, on the basis of the designation signal Sc, and transmits it as RTP data Drtp" [0171] lines 5-8).

Regarding claim **27**, Matsui discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses the error resilience level is an integer value ("four video data files having different anti-error intensities is employed" [0231] lines 2-3 and fig. 5(a)).

Regarding claim **28**, Matsui discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses identifying a media content error resilience level from the media wherein the plurality of error resilience levels includes the identified

media content error resilience level ("four video data files having different anti-error intensities is employed" [0231] lines 2-3 and figs. 5(a) or 13(a)).

Regarding claim **29**, Matsui discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses the plurality of error resilience levels includes a default error resilience level and an alternative error resilience level ("the receiving terminal requests a video stream corresponding to a video element suited to the default value of the anti-error intensity, among the plural video elements 711-714 described in the SMIL file FSD2, and receives this video stream. Thereafter, in the receiving terminal, the video stream being received is switched to a video stream having an appropriate anti-error intensity according to the incidence of error during reception of the video stream" [0248]).

Regarding claim **30**, Matsui discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses selecting a media stream to send the media form a plurality of media streams based on the error resilience level ("in the receiving terminal 200b, video data to be initially received is selected from among plural video data files shown in an SMIL file on the basis of the anti-error intensity" [0158] lines 1-4).

Regarding claim **31**, Matsui discloses everything claimed as applied above (see claim 1). In addition, Matsui discloses after sending the media from the streaming server to the streaming client, receiving a third request from the streaming client at the streaming server, the third request including a new error resilience level selected based on an error rate ("the data analysis unit 212b outputs the data designation signal Sc which instructs the server 100a to switch the video stream supplied from the server

100a to a video stream having a higher anti-transmission-error property or a higher video quality, according to a variation in the packet loss rate" [0230] lines 9-14).

Claim Rejections - 35 USC § 103

Claims 7, 15-16, 19 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui. This rejection is set forth in prior Office Action mailed on 05 October 2007 and repeated here.

Regarding claim **7**, Matsui discloses everything claimed as applied above (see claim 1). However, Matsui fails to specifically disclose the streaming server receives from the streaming client a RTCP (RTP Control Protocol (Real-Time Streaming Protocol)) report, indicative of transmission channel errors, and wherein the streaming server decides on a different error resilience level based on the RTCP report, as claimed.

Nevertheless, Matsui teaches "the client terminal 200c is provided with an RTCP report transmission/reception unit 219 which transmits information Drr indicating the transmission status as a receiver report to the server 100c" (Matsui [0254] lines 7-10) and "information relating to the incidence of transmission error, the RTP packet arrival time, and the like is transmitted as a receiver report Drr from the RTCP report transmission/reception unit 219 to the server 100c" (Matsui [0260] lines 1-4) and "the server 100c switches the video stream being transmitted as RTP data to the receiving terminal 200a, to another video stream having a different coding condition, on the basis of the receiver report supplied from the receiving terminal 200c" (Matsui [0258] lines 4-7).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to receive at the streaming server from the streaming client a RTCP report indicative of transmission channel errors and wherein the streaming server decides on a different error resilience level based on the RTCP report because "the RTCP report transmission/reception units 104 and 219 transmit the sender report and the receiver report by RTCP (Real Time Control Protocol)" (Matsui [0256] lines 1-3).

Regarding claim **15**, Matsui discloses everything claimed as applied above (see claim 1). However, Matsui fails to specifically disclose sending the media uses a transmission channel at least partially implemented via a mobile communications network, as claimed.

Nevertheless, Matsui teaches "a handy phone 300 includes a signal processing unit 302 for performing various kinds of signal processing; and a radio communication unit 303 for outputting a radio signal N received by an antenna 301 to the signal processing unit 302 ass a reception signal, and a transmitting a transmission signal generated by the signal processing unit 302 from the antenna 301 as a radio signal N" [0322] lines 1-7 and fig. 16).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to send media using a transmission channel at least partially implemented via a mobile communications network because "the international standards organization 3GPP which defines the standard of receiving terminals in radio networks, provides that RTP/UDP/IP is employed as a protocol for transmitting video

data between a server and a receiving terminal, and RTSP/TCP/IP is employed as a protocol for requesting data from a receiving terminal to a server" (Matsui [0005] lines 1-10).

Regarding claim **16**, Matsui discloses everything claimed as applied above (see claim 15). However, Matsui fails to specifically disclose that the streaming server has an IP connection (Internet Protocol) to an IP-based network which is configured to be coupled with the mobile communications network, as claimed.

Nevertheless, Matsui teaches "fig. 18 shows a conventional data transmission system 20 for distributing video data using the Internet" (Matsui [0006]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to connect an IP-based network with the mobile communications network because "the international standards organization 3GPP which defines the standard of receiving terminals in radio networks, provides that RTP/UDP/IP is employed as a protocol for transmitting video data between a server and a receiving terminal, and RTSP/TCP/IP is employed as a protocol for requesting data from a receiving terminal to a server" (Matsui [0005] lines 1-10).

Regarding claim **19**, Matsui discloses everything claimed as applied above (see claim 18). However, Matsui fails to specifically disclose the client device is a mobile station of a cellular network, as claimed.

Nevertheless, Matsui teaches "a handy phone 300 includes a signal processing unit 302 for performing various kinds of signal processing; and a radio communication unit 303 for outputting a radio signal N received by an antenna 301 to the signal

processing unit 302 ass a reception signal, and a transmitting a transmission signal generated by the signal processing unit 302 from the antenna 301 as a radio signal N" [0322] lines 1-7 and fig. 16).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to send media using a transmission channel at least partially implemented via a mobile communications network because "the international standards organization 3GPP which defines the standard of receiving terminals in radio networks, provides that RTP/UDP/IP is employed as a protocol for transmitting video data between a server and a receiving terminal, and RTSP/TCP/IP is employed as a protocol for requesting data from a receiving terminal to a server" (Matsui [0005] lines 1-10).

Regarding claim **32**, Matsui discloses everything claimed as applied above (see claim 1). However, Matsui fails to specifically disclose that receiving a third request from the streaming client at the streaming server, the third request including a request to identify a current error resilience level, as claimed.

Nevertheless, Matsui teaches "fig. 4(b) explains a mobile terminal 201b for setting the level of anti-error intensity using a slide bar" (Matsui [0138] lines 1-3) and further "in the user operation unit 213 of the mobile terminal 201b, an integral value within a range of 0-100 is calculated as an anti-error intensity level according to the position of the slide bar" (Matsui [0141] lines 1-4).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to receiving a third request identifying a current error

resilience level because “the calculated value is held as the anti-error intensity value of the mobile terminal 201b” (Matsui [0144] lines 5-7).

(10) Response to Argument

II. REJECTION OF CLAIMS 1, 3, 5, 6, 9-11, 17, 18, 20, and 24-31 UNDER 35 U.S.C. 102(e)

A. Claims 1, 3, 5, 6, 9, 11, 17, 18, 20, and 24-27, and 29-31

Regarding claims 1, 18, 20, 24, 25, 26, Applicants have argued that Matsui fails to disclose, teach, or suggest "sending a response to the received first request from the streaming server to the streaming client, the response including a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client, wherein the plurality of error resilience levels includes a default error resilience level and an alternative error resilience level” (P. 12 of Appeal Brief).

In response to Applicants’ argument, the examiner respectfully disagrees. Figure 5(a) in Matsui is shown below, where “FIG. 5(a) shows an SMIL file FSD2 indicating four video data files having different anti-error intensities” [0098]. The SMIL file FSD2 is described as including “entries relating to four video elements 711~714 having different anti-error intensities ... In the entry of each video element, its anti-error intensity is described as a system-error-resilient-level attribute, and a video element which is most

suitable to the contents of the user setting is selected on the basis of this attribute. The specific values of the system-error-resilient-level attributes in the respective video elements 711, 712, 713, and 714 are "1", "2", "3", and "4"" [0099].

Fig.5 (a)

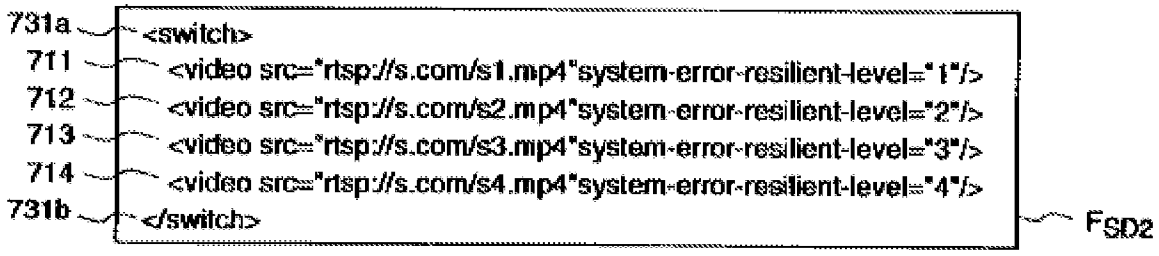
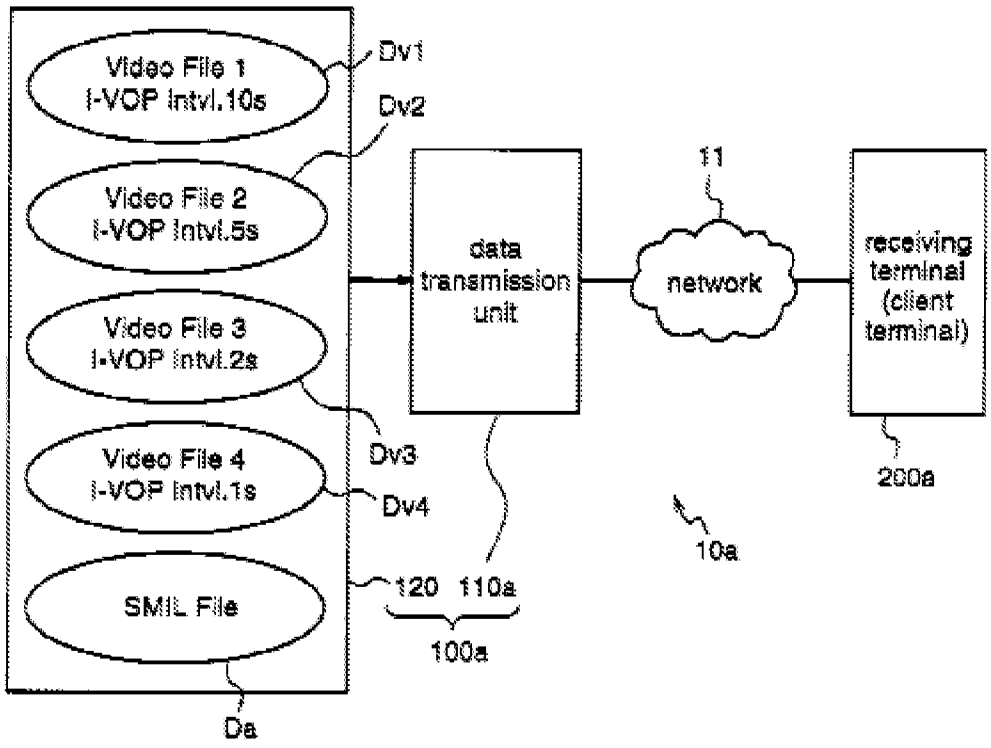


Figure 1(a) in Matsui is shown below, where the SMIL file is stored at the server 100a and referred to as SMIL File Da. In response to a request for media from the client, "the HTTP transmission/reception unit 101 [shown as being part of the server in Figure 3] reads an SMIL file Da corresponding to the SMIL data request signal Sd1 from the data storage unit 120, and transmits is as SMIL data Dsm by HTTP. The SMIL data Dsm is transmitted through the network 11 to the receiving terminal 200b to be received by the HTTP transmission/reception unit 211" [0169].

Fig.1 (a)



Further, Figure 5(a) shows at least two (2) error resilience levels. For instance, take one of the error resilience levels to be the default error resilience level, then any of the other error resilience levels are considered as alternative error resilience levels. So, for example, video element 711 is the default error resilience level and video element 713 is the alternative error resilience level. Therefore, Matsui discloses sending a response to the received first request from the streaming server to the streaming client, the response including a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client, wherein the plurality of error resilience levels includes a default error resilience level and an alternative error resilience level.

B. Claim 10

Regarding claim 10, Applicants have argued that Matsui fails to teach, suggest, or disclose "said error resilience value is stored in a file format in which said media is stored" (P. 13 of Appeal Brief).

In response to Applicants' argument, the examiner respectfully disagrees. Figure 1(a), as shown above, shows the server 100a with a data storage unit 120 which holds plural video files Dv1~Dv4 with a corresponding SMIL File Da, where the SMIL File Da (which also represents Figure 5(a)) includes the error resilience levels. In addition, "the server 100a comprises a data storage unit 120 for holding plural video streams which are obtained by coding digital video signals corresponding to the same video sequence under different coding conditions, and holding SMIL data in which the attributes of the respective video streams are described" [0088] and "each of the plural video streams includes intra-frame coded data having a relatively large amount of codes, which is obtained by coding a digital video signal using intra-frame pixel value correlation, and inter-frame coded data having a relatively small amount of codes, which is obtained by coding a digital video signal using inter-frame pixel value correlation. The appearance intervals of intra-frame coded data in the respective video data, in other words, the I-frame (I-VOP) appearance intervals, are different from each other" [0089]. Fig. 1(a) also shows the different I-VOP such as I-VOP Intvl.10s, I-VOP Intvl.5s, I-VOP Intvl.2s, I-VOP Intvl.1s. This shows the data storage unit 120 contains a file with error resilience

values where the video files are stored. Therefore, Matsui discloses said error resilience value is stored in a file format in which said media is stored.

C. Claim 28

Regarding claim 28, Applicants have argued that Matsui fails to teach, suggest, or disclose "identifying a media content error resilience level from the media" (P. 14 of Appeal Brief).

In response to Applicants' argument, the examiner respectfully disagrees. Figure 5(a), as shown above, shows four video data files having different anti-error intensities. In addition, as explained in the response to the argument regarding claim 10, the server 100a has a data storage unit 120 which holds plural video files Dv1~Dv4 with a corresponding SMIL File Da, where the SMIL File Da (which also represents Figure 5(a)) includes the error resilience levels. Figure 1(a) also shows the different I-VOP such as I-VOP Intvl.10s, I-VOP Intvl.5s, I-VOP Intvl.2s, I-VOP Intvl.1s. Therefore, Matsui discloses identifying a media content error resilience level from the media.

Since Matsui discloses the argued limitation of independent claims 1, 18, 20, 24, 25, 26 as set forth above, Matsui also discloses the claimed invention set forth in dependent claims 3, 5, 6, 9-11, 17 and 27-31.

III. REJECTION OF CLAIMS 7, 15, 16, 19, AND 32 UNDER 35 U.S.C. 103(a)

A. Claims 7, 15, 16 and 19

Since Matsui discloses the argued limitation of independent claims 1, 18, 20, 24, 25, 26 as set forth above, Matsui also discloses the claimed invention set forth in dependent claims 7, 15, 16 and 19.

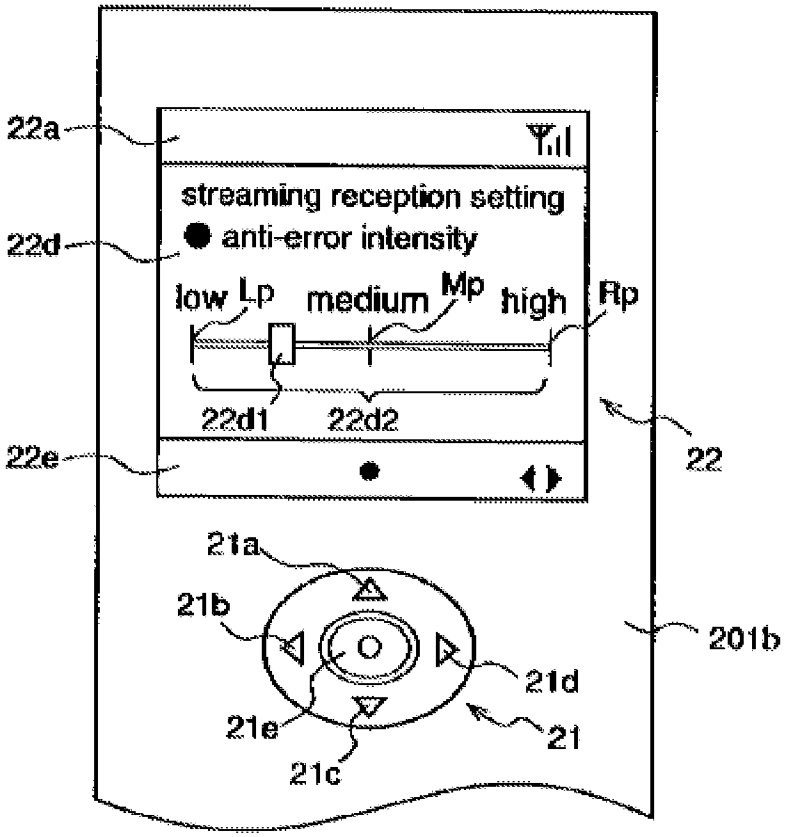
B. Claim 32

Regarding claim 32, Applicants have argued that Matsui fails to teach, suggest, or disclose “receiving a third request from the streaming client at the streaming server, the third request including a request to identify a current error resilience level” (P. 16 of Appeal Brief).

In response to Applicants’ argument, the examiner respectfully disagrees. Figure 4(b) in Matsui is shown below, where the moving slide bar represents the request such that "the anti-error intensity setting screen 22d is a screen on which the user can set a level of anti-error intensity of video data to be obtained, using a slide bar 22dl” [0140]. The slide bar identifies the current error resilience level such that “the slide distance Ls of the slide bar 22d1 is specified by user operation with the left and right cursor keys

21b and 21d of the button operation unit 21, and the specified slide distance is decided by user operation with the decision button 21e, whereby the anti-error intensity X is calculated according to expression (2), and the calculated value is held as the anti-error intensity value of the mobile terminal 201b" [0145].

Fig.4 (b)



In addition, according to the *Synonym Collection v1.1*, "identify" and "designate" are synonyms to one another, as shown below. Therefore, Matsui discloses receiving a third request from the streaming client at the streaming server, the third request including a request to identify a current error resilience level.

Synonym Collection v1.1

Main Entry: identify
Part of Speech: *verb*
Synonyms: associate, brand, describe, designate, diagnose, discover, establish, find, finger, label, mark, name, pinpoint, recognize, tag, verify

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Christine Duong/

Examiner, Art Unit 2616

Conferees:

/Ricky Ngo/

Supervisory Patent Examiner, Art Unit 2616

/Chi H Pham/

Supervisory Patent Examiner, Art Unit 2616

8/15/08